

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

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Copy

RICHARD BELL

Petitioner/ Defendant,

vs

UNITED STATES OF AMERICA, thur
MICHAEL A. ZENK, WARDEN at
F.C.I. ALLENWOOD, PA.

CR. NO. 9005-4101

CIVIL NO. _____

AFFIDAVIT OF RICHARD BELL

I, Richard Bell first being duly sworn under the pain and penalties of perjury, depose and say to best of my knowledge and memory:

1. I am a federal inmate currently in Middle District of Pennsylvania.
2. I am the petitioner/ defendant in the above-captioned matter and I was charged on January 24, 1990 with criminal sale of a controlled substance with the amount of (0.05) grams total weight.
3. I was represented by a public defender in the above-docketed matter who advise me to plea guilty and answer the judge's limited question with the word "yes" but failed to advised me of legal consequences I might suffer in the future as a result of this plea.
4. I complied with my counsel instructions and I plea guilty on January 25, 1991 and answered the judge's question affirmatively. The judge entered a guilty finding and sentence me on that date to 6-23 months

6-23 months imprisonment without making inquiry of me as to whether I was knowingly, voluntarily and intelligently waiving my privilege against self-incrimination, my rights to confront of adverse witness and to a jury trial.

5. I was never informed by the Court or my attorney that by entering a guilty plea or admitting to sufficient facts that I was incriminating myself and that it could be use for a basisfor an enhancement sentence for a future State or Federal conviction.

6. I did not have an understanding of my guilty plea or admission to sufficient facts and how the consequences of my admission could affect me.

7. I attempted numerous times to obtain my plea colloquy and sentencing minutes/records from the clerk's office but to no avail.

8. I was recently informed by another inmate learned of the law about the Supreme Court's decision in Custis, that an instant federal sentence may be modified pursuant to collateral review in prior state sentence.

9. I was also informed by a "Jailhouse Lawyer" about the constitutional violation that transpire during my guilty plea where the colloquy was perfunctory, incomplete or none so as to be, in effect, nugatory as well as my public defender's ineffectiveness cited herein.

10. I submit this affidavit in support of my motion and i request this Honorable Court to issue an order vacating my unconstitutional rights in the the interest of justice.

Respectfully submitted

By: Richard Bell
Richard Bell pro-se

Subscribed and sworn before me on this 22nd day of November, 2000, that the person before me is Richard Bell, who is also a inmate assigned to this Federal Correctional Institution, at Allenwood, Pa. White deer, Pa. 17887

Richard Bell
Richard Bell pro-se
Box 2000 47996-066
White deer, Pa. 17887

Alicia R. Farley

